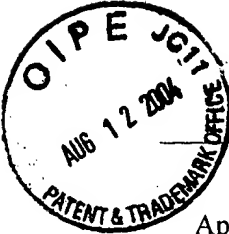


PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

8 DAC  
+  
issue fee



RECEIVED

Attorney Docket No. NAGACO.068A

AUG 16 2004

Applicants : Worthington, et al  
Application No. : 09/643,106  
Filed : August 21, 2000  
  
For : METHODS AND APPARATUS FOR  
OPTICAL DISC DATA  
ACQUISITION USING PHYSICAL  
SYNCHRONIZATION MARKERS  
  
Group Art Unit : 2653  
Examiner : Kim K. Chu

OFFICE OF PETITIONS

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

August 9, 2004  
(Date)

Russell M. Jeide  
Russell M. Jeide, Reg. No. 54,198

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: Mail Stop DAC

The above-identified application became abandoned for failure to pay the issue fee within the statutory period of three months from mailing of the Notice of Allowance that was mailed on October 1, 2003. The abandonment date of this application is December 2, 2003 (i.e., the day after the expiration of the date of the period set for response).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

Enclosed are the following:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)

(X) Declaration of Richard Burstein in support of Petition for Revival

(X) Declaration of Russell M. Jeide in support of Petition for Revival

(X) Petition fee

(X) Small entity - fee \$665

The present application qualifies for small entity status pursuant to the terms of 37 C.F.R. § 1.27.

2. The proposed response and/or fee to the above-noted Notice of Allowance, including:

(X) Copy of Notice the Notice of Allowability

(X) Copy of Notice of Abandonment

08/13/2004 AMONDAF2 00000006 09643106

01 FC:2453  
02 FC:2501

665.00 OP  
665.00 OP

08/13/2004 AMONDAF1 00000038 09643106

01 FC:2051

65.00 OP

120

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Attorney Docket No. NAGACO.068A

---

- (X) The issue fee in the amount of \$665 for a small entity
- (X) A surcharge fee of \$65 to cover the surcharge for a small entity
- (X) Return prepaid postcard.

3. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

A check in the amount of \$1,395, which is the total of the above fees, is enclosed. Please charge our Deposit Account No. 11-1410 for any additional fees which may be required, now or in the future, or credit our account for any overpayment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: August 9, 2004

By: Russell M. Jeide

Russell M. Jeide  
Registration No. 54,198  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550



RECEIVED

AUG 16 2004

**DECLARATION IN SUPPORT OF REVIVAL OF**  
**U.S. PATENT APPLICATION NO. 09/643,106**


**OFFICE OF PETITIONS**

Richard Burstein, hereby declare that, to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

- 1) I am the Chief Executive Office ("CEO") of Burstein Technologies, Inc. ("BTI") and have been the CEO of BTI during all dates described below.
- 2) BTI is the original assignee of U.S. Patent Application No. 09/643,106 ("the '106 application").
- 3) BTI employed a full time patent attorney, Donald Bollella, from about November 2000 until September 5, 2003. Mr. Bollella was familiar with all matters of BTI's Intellectual Property during this time, and it was his task to prosecute and maintain BTI's patent matters.
- 4) During all dates described below, a paralegal was employed by BTI and was tasked to work with Mr. Bollella in maintaining BTI's patent matters.
- 5) Mr. Bollella and his paralegal maintained electronic status reports for all patent matters, including recordation of actions due and deadlines for each matter.
- 6) In the December 2002 to January 2003 time period, BTI began laying off employees due to the lack of capital.
- 7) During 2003, BTI incurred substantial debt in an attempt to cover operating costs and continue operations as a company. However, even after incurring substantial debt through borrowing money from several sources, BTI did not have any funds for patent matters and, thus, after about February 2003, BTI spent no further money on patent matters.
- 8) On or about April 4, 2003, all BTI employees (excluding officers) were sent away on an unpaid furlough.
- 9) Due to the departure of BTI employees, records relating to maintenance of the '106 application were not consistently updated during the balance of 2003.
- 10) A Notice of Allowance for the '106 application was mailed from the Patent and Trademark Office ("PTO") to BTI on October 1, 2003, setting a deadline for response of December 1, 2003.
- 11) On or about October 31, 2003, all officers of BTI, excluding Richard Burstein, were terminated.
- 12) On November 4, 2003, BTI agreed to sell an undivided partial ownership interest in all intellectual property matters in order to raise money to allow BTI to continue doing business. Accordingly, a partial ownership interest in more than 200 U.S. and foreign patent matters, including the '106 application, was granted to Nagaoka & Co., LTD ("Nagaoka") in exchange for monetary consideration. Nagaoka, as a partial owner of the '106 application, has an interest in maintaining the '106 application.
- 13) On or about November to December 2003, the Lessor of the BTI office space took over the office space, forcing me to work from my home in continuing to seek investment funds. Because there was no longer an office available to store BTI documents and equipment, BTI records, including patent related records, were moved to a storage unit.

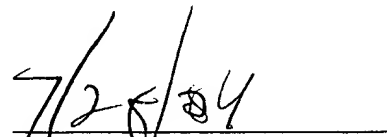
14) To my knowledge, on or about December 2003, Nagaoka instructed the U.S. law firm of Knobbe, Martens, Olson & Bear, LLP ("KMOB"), to prosecute certain patent matters partially assigned to Nagaoka. Accordingly, about 211 patent matters were to be transferred to KMOB.

Signature:



(Richard Burstein)

Date:



7/28/04



**DECLARATION IN SUPPORT OF REVIVAL OF**  
**U.S. PATENT APPLICATION NO. 09/643,106**

I, Russell M. Jeide, hereby declare that, to the best of my knowledge, information, and belief, the following is true, accurate, and correct:

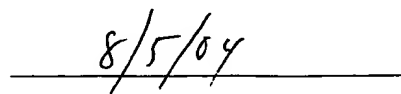
- 1) I am an associate attorney at Knobbe, Martens, Olson & Bear, LLP ("KMOB") and help coordinate prosecution of patent matters assigned to our client, Nagaoka and Co., LTD ("Nagaoka"). I understand that Nagaoka and its affiliates have certain commercialization rights to technologies described in patents and patent applications filed by Burstein Technologies, Inc. ("BTI").
- 2) On November 4, 2003, Burstein Technologies, Inc. ("BTI") sold an undivided partial ownership interest in all intellectual property matters to Nagaoka. Accordingly, a partial ownership interest in more than 200 U.S. and foreign patent matters, including U.S. Patent Application No. 09/643,106 ("the '106 application"), was granted to Nagaoka.
- 3) On or about 4 April 2003, I am informed and believe that all BTI employees (excluding officers) were let go. Due to the departure of BTI employees (well before Nagaoka gained an ownership interest in the patent matters), records relating to maintenance of the '106 application were not consistently updated during much of 2003. Accordingly, on 4 November 2003, neither Nagaoka nor KMOB were provided with status information or file copies. BTI could not provide such information because it was not in possession of an up-to-date status report indicating the status of any of the more than 200 transferred patent matters. In fact, the appendices to the 4 November 2003 agreement, which were provided by BTI and were intended to list all patent matters that were transferred to Nagaoka, do not include any status information for the transferred patent matters. Furthermore, any status report that existed at this time was not updated and could not be relied upon to accurately assess the status of any of the patent matters.
- 4) On or about 6 November 2003, KMOB discovered that the lessor of the BTI office building was threatening to lock down the BTI office building due to past rent that was owed to them from BTI. All of the files corresponding to the patent matters which Nagaoka had just purchased were located in the BTI office building. In order to preserve access to these files, KMOB attempted to immediately obtain the original files from BTI. However, Richard Burstein, as the sole remaining officer of BTI, was reluctant to allow the original files to be transferred to a location that was out of his direct control. Thus, Nagaoka and KMOB determined that copies of the patent files should be made for transfer to KMOB. Copying and reviewing the files was the only sure way to ascertain the status of these more than 200 patent matters.
- 5) During about a two week period beginning on 6 November 2003, the more than 200 patent files were boxed and transferred from the BTI office building to a rental storage unit that was near Richard Burstein's residence. The storage unit is about 90 miles from KMOB's San Diego office and a much greater distance from Nagaoka's office in Japan. Furthermore, Mr. Donald Bollella, BTI's former patent counsel, who would occasionally assist Richard Burstein without pay, was and continues to be the only individual with a key to the storage unit. Thus, KMOB was required to coordinate any access to the files with Mr. Bollella, who was working then at another job.

- 6) On 10 December 2003, because BTI had not yet delivered copies of the files for the patent matters that were then partially owned by Nagaoka, KMOB sent a letter to BTI reminding them that, according to the purchase agreement that was entered on 4 November 2003, BTI had agreed to deliver copies of complete files for all assigned patents to Nagaoka within 45 days of execution of the agreement. I now understand, however, that BTI was not in a financial position to lend any amount of assistance that required capital (even to the extent of not being able to pay for copies of files), to Nagaoka or KMOB. In this letter, KMOB further indicated that, because of KMOB's need for immediate access to the patent files, KMOB would arrange for copies of the files to be made.
- 7) KMOB has a formal file transfer procedure that is normally performed by a full time employee assigned to complete these formal procedures. However, due to the number of patent matters that were being transferred to KMOB, additional docketing personnel were also assigned to assist in the formal file transfer procedures. Even with the assistance of additional docketing personnel, complete transfer of the more than 200 patent files into KMOB required several weeks.
- 8) A work file for the '106 application was opened by KMOB on March 10, 2004. However, that file did not include a notice of abandonment for the '106 application.
- 9) In early April 2004, KMOB attempted to retrieve status information for the '106 application via the U.S. Patent and Trademark Office ("PTO") PAIR system. However, no information for this application was then available.
- 10) In or about April 2004, KMOB received a Notice of Abandonment from Mr. Bollella, which he had received from the PTO. The Notice of Abandonment indicates that the '106 application is abandoned due to Applicant's failure to timely pay the required issue and publication fees. Upon receiving this notice from Mr. Bollella, I promptly reviewed the KMOB file for the '106 application, but could not locate a copy of the Notice of Allowance or any other notice indicating that an issue fee was due.
- 11) On June 15, 2004, I contacted the Examiner assigned to the '106 application and requested status information for the application. Examiner Kim-Kwok Chu confirmed that the '106 application was abandoned and sent KMOB a copy of the Notice of Allowance that was originally mailed on October 1, 2003.
- 12) On June 18, 2004, Nagaoka was informed that the '106 application was abandoned. Shortly thereafter, KMOB received instruction from Nagaoka to proceed with a petition for revival of the '106 application.
- 13) As detailed in the statements above, the entire delay in filing the required issue fee from the due date for the reply until the filing of the petition for revival of the '106 application, was unintentional.

Signature:

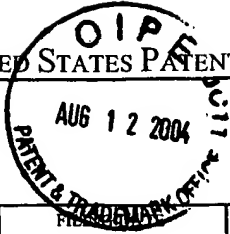
  
(Russell M. Jeide)

Date:





# UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,106	08/21/2000	Mark O. Worthington	18950-30	7975

7590 02/10/2004

DONALD BOLLELLA, ESQ.  
 LEGAL DEPARTMENT  
 BURNSTEIN TECHNOLOGIES, INC.  
 163 TECHNOLOGY DRIVE  
 IRVINE, CA 92618

EXAMINER

CHU, KIM KWOK

ART UNIT

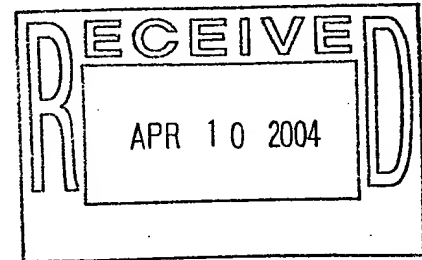
PAPER NUMBER

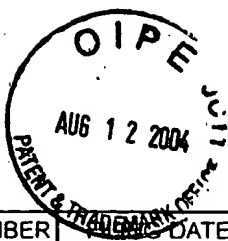
2653

DATE MAILED: 02/10/2004

p #19

Please find below and/or attached an Office communication concerning this application or proceeding.





UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/643, 106

EXAMINER
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ART UNIT	PAPER NUMBER
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ABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

p #19

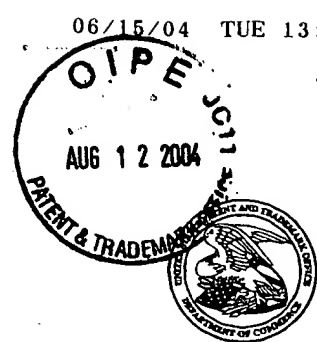
- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☒ The issue fee and publication fee, if applicable, have not been received.

- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.

- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## Fax Cover Sheet

Date: 15 Jun 2004

To: Mr. Russell Jeide	From: Kim-Kwck CHU
Application/Control Number: 09/643,106	Art Unit: 2653
Fax No.: 619 235-0176	Phone No.: (703) 305-3032
Voice No.: 949-673-7574	Return Fax No.: (703) 872-9306
Re:	CC:
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> For Comment <input type="checkbox"/> For Reply <input checked="" type="checkbox"/> Per Your Request	

Comments:

MR. Russell Jeide,

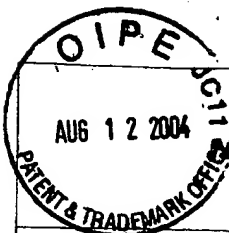
Here is a record of allowance action  
which applicant does not received.

Number of pages 7 including this page

## STATEMENT OF CONFIDENTIALITY

This facsimile transmission is an Official U.S. Government document which may contain information which is privileged and confidential. It is intended only for use of the recipient named above. If you are not the intended recipient, any dissemination, distribution or copying of this document is strictly prohibited. If this document is received in error, you are requested to immediately notify the sender at the above indicated telephone number and return the entire document in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



2

# Notice of Allowability

## Application No.

09/643,106

## Examiner

Kim-Kwok CHU

## Applicant(s)

WORTHINGTON ET AL.

## Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 8/25/03.
2. ☒ The allowed claim(s) is/are 1, 3-5 and 7 which are renumbered as 1-5 respectively.
3. ☒ The drawings filed on 25 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application):
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- 1 ☒ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☒ Interview Summary (PTO-413), Paper No. 15.
- 6 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

AUG 12 2004

## Notice of References Cited

Application/Control No.

09/643,106

Applicant(s)/Patent Under  
Reexamination  
WORTHINGTON ET AL.

Examiner

Kim-Kwok CHU

Art Unit

2653

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,545,265	04-2003	Czarnetzki et al.	250/234
*	B	US-6,399,936	06-2002	Hang et al.	250/216
*	C	US-5,717,519	02-1998	Sugiyama et al.	359/368
*	D	US-5,532,874	07-1996	Stein, Alfred	359/368
*	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

9/643,106  
AU 2653

Page 2

**EXAMINER'S AMENDMENT**

1. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Donald Bollella on September 25, 2003.
3. In the claim:
- (a) in claim 3, line 3, the term "detecting at lease" has been changed to --detecting at least--; and
  - (b) in claim 5, last line, the term "with said optical disc." has been changed to --with said optical disc assembly so that possible presence of an analyte material is determined by analyzing the data read from said optical disc assembly--.

*This is not an office action.*

9/643,106  
AU 2653

Page 3

**REASONS FOR ALLOWANCE**

4. Claims 1, 3-5 and 7 are allowable over the prior art of record.

5. The following is an Examiner's Statement of Reasons for Allowance based on amendment filed on August 25, 2003:

As in claims 1, 3-5 and 7, the prior art of record fails to teaches or fairly suggest the following means and steps:

(a) an optical disc assembly having a cover with physical synchronization markers;

(b) detecting at least one physical synchronization marker on the cover; and

(c) determining possible presence of an analyte material by analyzing the data read from the optical disc assembly.

The features indicated above, in combination with the other elements of the claims, are not anticipated by, nor made obvious over, the prior art of record.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably **accompany** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9/643,106  
AU 2653

Page 4

**Prior Art**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Czarnetzki et al. (6,545,265) is pertinent because Czarnetzki teaches a Nipkow disk.

Hang et al. (6,399,936) is pertinent because Hang teaches an optical inspection system.

Sugiyama (5,717,519) is pertinent because Sugiyama teaches a confocal microscope.

Stein (5,532,874) is pertinent because Stein teaches a confocal microscope.

9/643,106  
AU 2653

Page 5

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

*Applicant did not receive this  
notice of allowance.*

*Kim Chu*

*6/15/04*

Kim-Kwok CHU  
Examiner AU2653  
September 25, 2003

(703) 305-3032